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CITY COUNCIL MEETING

JUNE 26, 2012

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**SUMMARY MINUTES**  
**REGULAR COUNCIL MEETING**

**June 26, 2012**

A regular meeting of the North Miami City Council was held in the Council Chambers of City Hall on Tuesday, June 26, 2012, beginning at 7:05 p.m.

(Phonetic spelling of each speaker's name may be used throughout the minutes unless correct spelling is known.)

Note: The actual agenda and all backup materials for each City Council meeting can be found at: [www.northmiamifl.gov](http://www.northmiamifl.gov)

Flag salute led by Judge Ana Maria Pando and Judge Andrea Wolfson

Inspirational Message

◆ Pastor Enoch Milien

**ROLL CALL**

Councilwoman Steril	Here
Councilman Galvin	Here
Mayor Pierre	Here
Vice Mayor Marcellus	Here
Councilman Blynn	Here

**Additions, Deletions or Withdrawals**

Special Presentations – CAFR – addition/modification, continued to July 10<sup>th</sup>  
Tab I before Tab H  
Tab J after Consent Agenda

Stephen E. Johnson, City Manager requested authorization from Council to file the CAFR to meet the deadline. Councilman Blynn moved to authorize the city manager to file the CAFR, seconded by Mayor Pierre; passed unanimously.

**SPECIAL PRESENTATION(s)**

◆ Proclamation in honor of *Ms. Hannah Yoldine Lowenstein Day*

Mayor Pierre recognized *Ms. Hannah Yoldine Lowenstein*, 10 year-old author and illustrator of *Hannah Tells A Story* about her new life in South Florida after her adoption from an orphanage in Haiti, presenting a Proclamation, in honor of *Ms. Lowenstein*; Whereas Mayor Pierre proclaimed June 26, 2012, to be *Ms. Hannah Yoldine Lowenstein Day*, in the City of North Miami.

◆ Proclamation in honor of *Taste of Caribbean Team Haiti Day*

Mayor Pierre and Councilwoman Steril recognized students of Johnson and Wales University, presenting a Proclamation, in honor of *Taste of Caribbean Team Haiti*; Whereas Mayor Pierre proclaimed June 26, 2012, to be *Team Haiti Day*, in the City of North Miami.

◆ Introduction of Candidate running for office, August 14, 2012, election.

Re-Elect Judge Ana Maria Pando, County Court Judge, Punch #90  
Re-Elect Judge Andrea Wolfson, County Court Judge, Punch #95

◆ National Weather Service Miami, *Robert Molleda, Warning Coordinator Meteorologist* will provide information regarding Hurricane Preparedness

Mayor Pierre recognized Robert Molleda, Warning Coordinator Meteorologist. Mr. Molleda gave a brief report to Council regarding the current hurricane season. Mr. Molleda provided the following web addresses for more information: [www.weather.gov/Miami](http://www.weather.gov/Miami) and [www.flash.org](http://www.flash.org)

◆ Comprehensive Audit Financial Report (CAFR) presentation by *Harvey, Covington & Thomas, LLC* for Fiscal Year 2010-2011

Continued to July 10, 2012.

## **CITY EVENTS – ANNOUNCEMENT**

Pam Solomon, Public Information Officer, announced upcoming events for the City of North Miami.

## **HURRICANE PREPAREDNESS**

Please see under Special Presentations.

## **CONSENT AGENDA**

### **TAB A - APPROVAL OF MINUTES**

– Regular Council Meeting – June 12, 2012

**TAB B – PROPOSED RESOLUTION AMENDING THE FISCAL YEAR 2010-2011 ADOPTED AMENDED GENERAL FUND EXPENSE BUDGET, TO RECONCILE NEGATIVE YEAR-END BALANCES FOR A TOTAL AMOUNT OF SIX HUNDRED FORTY-NINE THOUSAND ONE HUNDRED TWENTY-ONE DOLLARS (\$649,121.00) AS REQUIRED BY BUDGETARY PROCEDURES**

**TAB C – PROPOSED RESOLUTION AMENDING THE FISCAL YEAR 2011-2012 ADOPTED AMENDED REVENUE AND EXPENSE BUDGETS, TO INCLUDE THE RECEIPT AND APPROPRIATION OF GRANT FUNDS FROM THE FLORIDA BAR IN THE AMOUNT OF FIVE THOUSAND DOLLARS (\$5,000.00) FOR SUMMER LEGAL INTERNSHIP PROGRAM**

**TAB D - PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO NEGOTIATE AND EXECUTE A NEW AGREEMENT BETWEEN THE CITY AND FLORIDA HOUSING FINANCE CORPORATION FOR THE CONTINUED PROVISION OF HARDEST HIT FUND (HHF) ADVISOR SERVICES FOR THE HARDEST HIT FUND UNEMPLOYMENT MORTGAGE ASSISTANCE PROGRAM (UMAP) AND MORTGAGE LOAN REINSTATEMENT PROGRAM (MLRP) IN ORDER TO INCORPORATE NEW PROGRAM GUIDELINES, FEE SCHEDULE AND PROCEDURE MANUAL**

**TAB E - PROPOSED RESOLUTION AMENDING CHAPTER 2, ARTICLE III, DIVISION 5.3, SECTION 2-110 OF THE CODE OF ORDINANCES ENTITLED, “SCHEDULE OF CIVIL PENALTIES AND FINES” IN THE ATTACHED FORM, TO UPDATE PENALTIES AND FINES FOR CITY CODE VIOLATION TICKETS**

**TAB F - PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER, CITY ATTORNEY AND CITY CLERK TO TAKE ALL NECESSARY ACTION AND TO EXECUTE ALL DOCUMENTS AFFECTING THE HEALTH, SAFETY AND WELFARE OF THE CITY DURING THE CITY COUNCIL’S RECESS FROM JULY 11, 2012 THROUGH AUGUST 27, 2012**

Councilman Galvin moved to approve the Consent Agenda, Tabs A through F, seconded by Mayor Pierre; passed unanimously.

## **RESOLUTIONS**

### **TAB J - PROPOSED RESOLUTION SELECTING A CITY OFFICIAL TO SERVE AS THE CITY OF NORTH MIAMI MUNICIPAL VOTING DELEGATE TO THE FLORIDA LEAGUE OF CITIES' 86TH ANNUAL CONFERENCE TO BE HELD AT THE WESTIN DIPLOMAT IN HOLLYWOOD, FLORIDA, COMMENCING ON AUGUST 23 THROUGH AUGUST 25, 2012**

Michael Etienne, Esquire, City Clerk, read the Resolution title for the record. Mayor Pierre moved to appoint Councilman Blynn as the city official to serve as the voting delegate to the Florida League of Cities' 86<sup>th</sup> Annual Conference, seconded by Councilman Blynn; passed unanimously.

## **PUBLIC HEARINGS – ORDINANCES, RESOLUTIONS, ZONING, LAND USE ITEMS, ETC.**

## **LEGISLATIVE MATTERS**

### **ORDINANCES – SECOND READING AND PUBLIC HEARING**

### **TAB G - PROPOSED ORDINANCE (SECOND READING) AMENDING CHAPTER 2 OF THE CITY CODE OF ORDINANCES ENTITLED "ADMINISTRATION", SPECIFICALLY AT ARTICLE I ENTITLED "IN GENERAL", TO CREATE A NEW SECTION 2-2 ENTITLED "RESERVE FUND ACCOUNT", IN ORDER TO ESTABLISH AND ADMINISTER A RESERVE FUND ACCOUNT IN ACCORDANCE WITH THE GOVERNMENT ACCOUNTING STANDARD BOARD STATEMENT NO. 54, FUND BALANCE REPORTING AND GOVERNMENT FUND TYPE DEFINITIONS (GASB 54), WITH AN INITIAL MINIMUM ALLOCATION OF FIVE MILLION DOLLARS (\$5,000,000.00) FROM THE BISCAYNE LANDING LEASE PROCEEDS**

Mr. Etienne read the Ordinance title for the record. Councilman Blynn moved to approve the Ordinance, seconded by Vice Mayor Marcellus; for discussion. Public discussion. Stephen E. Johnson, City Manager, gave a brief report to Council. Council discussion. Council voted; passed unanimously, by roll call vote.

**TAB I - PROPOSED ORDINANCE (SECOND READING) AMENDING CHAPTER 29 OF THE CODE OF ORDINANCES ENTITLED, "LAND DEVELOPMENT REGULATIONS", BY AMENDING ARTICLE 5, DIVISION 3 ENTITLED, "ADULT ENTERTAINMENT USES", SPECIFICALLY AT SECTION 5-303 ENTITLED, "NO ADDITIONAL ZONING CONDITIONS, RESTRICTIONS, SAFEGUARD OR CONDITIONS", IN ORDER TO REMOVE THE PROHIBITION ON THE CONSUMPTION, POSSESSION, AND SALE OF ALCOHOLIC BEVERAGES (DEFERRED ITEM FROM THE MAY 22, 2012 COUNCIL MEETING)**

(Tab I taken before Tab H.) Mr. Etienne read the Ordinance title for the record. Maxine Calloway, Community Planning & Development Director, gave a brief report to Council. Jeff Cazeau, representing petitioner, gave a brief presentation to Council. Lengthy public discussion.

Council recess, 9:58 pm.

Council meeting back in session, 10:16 pm:

Public discussion resumed. Council discussion. Councilman Galvin moved to approve the Ordinance, seconded by Councilwoman Steril; passed 3-2, by roll call vote. Mayor Pierre and Councilman Blynn denied.

**TAB H - PROPOSED ORDINANCE (SECOND READING) AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES ENTITLED, "ALCOHOLIC BEVERAGES" SPECIFICALLY AT SECTION 3-2 ENTITLED, "DEFINITIONS" TO INCLUDE A DEFINITION FOR ADULT ENTERTAINMENT BUSINESS, AT SECTION 3-3 ENTITLED, "ALCOHOLIC BEVERAGES IN ADULT ENTERTAINMENT BUSINESSES PROHIBITED" TO REMOVE THE PROHIBITION OF THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN ADULT ENTERTAINMENT BUSINESSES, AND AT SECTION 3-11 ENTITLED, "DISTANCE REQUIREMENTS" TO ESTABLISH A DISTANCE SEPARATION REQUIREMENT FOR ADULT ENTERTAINMENT BUSINESSES, IN ACCORDANCE WITH STATE LAW (DEFERRED ITEM FROM THE MAY 22, 2012 COUNCIL MEETING)**

Mr. Etienne read the Ordinance title for the record. Mr. Johnson advised he would entertain the proposal from Mr. Cazeau for \$100,000 to the City.

Council recess, 12:19 am.



Council meeting back in session, 12:28 am:

Public discussion. Councilman Galvin moved to approve the Ordinance, seconded by Councilwoman Steril; for discussion. Council discussion. Mr. Johnson gave a brief report to Council. Council voted; passed 3-2, by roll call vote. Vice Mayor Marcellus and Councilman Blynn denied.

## **RESOLUTIONS**

**TAB J - PROPOSED RESOLUTION SELECTING A CITY OFFICIAL TO SERVE AS THE CITY OF NORTH MIAMI MUNICIPAL VOTING DELEGATE TO THE FLORIDA LEAGUE OF CITIES' 86TH ANNUAL CONFERENCE TO BE HELD AT THE WESTIN DIPLOMAT IN HOLLYWOOD, FLORIDA, COMMENCING ON AUGUST 23 THROUGH AUGUST 25, 2012**

Taken out of order, see after the Consent Agenda.

## **CITIZENS' FORUM**

A variety of residents spoke on issues of interest.

## **COUNCIL REPORTS**

Various items of interest presented by Council.

Mayor Pierre moved to approve a donation in the amount of \$5,000 to the Greek Orthodox Annunciation Church, seconded by Councilwoman Steril; passed unanimously.

## **CITY CLERK'S REPORT**

Mr. Etienne introduced Mrs. Albertha Patterson, MMC, contract employee in the city clerk's office.

Mr. Etienne advised passport acceptance hours would be extended to 4:00 pm beginning on Monday.

Mr. Etienne advised the office of the city clerk would co-sponsor an event with The Bryan Pata Foundation, Inc. for Pata Camp 95, on July 21, 2012, in memory of Bryan Pata.

## **CITY MANAGER'S REPORT**

Mr. Johnson reported on:

- Waste Pro billing issue.
- North Miami Summer Teen employment program and YOB employment program.
- Proposed recommendation for the distribution of the Biscayne Landing \$17.5M funding.
- Discussion regarding the housing program in regards to including a question on the application asking if the applicant is related to any Council member.

## **CITY ATTORNEY'S REPORT**

(NONE)

## **ADJOURNMENT**

Meeting adjourned at 1:00 a.m.